



be used for housing, and should be rezoned to a residential classification, probably SFC, which would allow the maximum number of lots (therefore housing units) to be created.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen- suggests recommending the rezonings, except have Chanaka's lot go to a committee for further study. Rodney doesn't think that M-2 zoning is appropriate at this location.

Jeff Smith- opposes large tracts downzoned from industrial.

Sean Reid- Makes motion that everything be rezoned as recommended by the Board's committee, except for the lot that CDC owns, which would go back to committee for further study. Jerry Wilkes seconded the motion with a 7-1 vote (Jeff Smith opposing).

Brian Miller- in favor of committee's recommendation.

Z-16-03	Oakland Heights Baptist Church
Location:	205 Newsome Road
Size:	Approximately 1.5 acres
Existing Zoning:	RD-B Residential Development-B District
Proposed Zoning:	R-8 Single Family-8 Residential District

Senior Planner Harold Poole explained that the property proposed for rezoning is located along the dead-end portion of East Liberty Street, from about 300 to 425 feet southwest of Newsome Road. That entrance into the proposed development is behind, or generally to the south side of the parking lot for Oakland Heights Baptist Church. It includes about 1.5 acres of property. The church feels that it would be better to have it back in the R-8 classification, the property is currently vacant.

(a) Chairman Dula convened a courtesy hearing on Z-16-03

Those speaking in favor of the zoning change request:

Rev. Jerry Reardon, 3023 Kern Drive, pastor of Oakland Heights Baptist Church- the church has purchased this property, and may be interested in church expansion, possible under R-8 zoning. Neighbors support R08 zoning.

Tom Speaks, trustee of Oakland Heights Baptist Church- want to be a good neighbor, went around and talked to the neighbors. Plans are not definite for the property we just wanted to buy it while it was for sale, it squares up their property. Later if we want to extend the sanctuary, we have more area to extend it in.

Those speaking in opposition to the zoning change request:

Sarah Hill, 204 Eastwood Drive – could there be limitations to uses or even setbacks ?  
[No, not without a request for an “S” district. The “S” could limit uses. There are established rear yard setbacks in the R-8 district, where there are no such limitations in the RD-B district.]

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen- R-8 is a good opportunity for the neighborhood. Rodney made the motion to approve the rezoning as requested, Jeff Smith seconded the motion with all members voting AYE.

Sandy Reitz- Question pertaining to landscaping, which doesn't exist with R-8. [While there would be a requirement in RD-B, setbacks supersede landscaping requirements, which is a disincentive to provide much (if any) setback in the RD-B district.]

### **SPECIAL USE PERMIT: CHILD DAYCARE HOME**

The request for a Special Use Permit is for Ms. Jill Reid, of 120 Randall Court (off Proctor Court in a subdivision off West Ridge Road in the City's ETJ area), to operate a child daycare at her home, as allowable under Section 7.10 (III) (c ). The daycare home will allow up to eight (8) children and will be operated as a child daycare home at her residence.

Current zoning on the property is R-8 Single Family-8 Residential.

Those speaking in favor of the Special Use Permit for the Child Daycare :  
None

Those speaking in opposition to the Special Use Permit for the Child Daycare:  
None

With no comments from Board members, Sean Reid made the motion to approve the Special Use Permit, Jerry Wilkes seconded the motion with all members voting AYE.

### **GROUP DEVELOPMENT**

G-05-01 Manning Park Phase II- 1910 Jake Alexander Blvd. West (reapproval)

Jake Alexander, Jr., for A & H Investments, Inc., resubmitted the application for the construction of a 12,000 square foot office building at the existing group development site, located at 1910 Jake Alexander Blvd. West. This resubmittal is necessary due to the expiration of the approved plan (which expired in May 2003).

According to David Phillips' memo to Planning Board members, all zoning criteria have been met and the Technical Review Committee has recommended approval of the application, as submitted.

Those speaking in favor of the group development reapproval:  
Clay Lindsay, 401 Richmond Road, representing the developers,- this is just a request for a reapproval. There has been a time lapse. The developers will install the required buffer.

Those speaking in opposition of the group development reapproval:  
Leslie Thomas, 128 West Colonial Drive- her property adjoins the back side of the property. No landscaping buffer has been made at this point. Need additional buffer, lots of noise from Jake Alexander Blvd. This is a negative for property values.

#### Board Discussion

Brian Miller- Buffer needs to be in place prior to issuance of Certificate of Occupancy. Brian made the motion to approve the group development, Rodney Queen seconded the motion with all members voting AYE.

### **PRELIMINARY PLAT SUBDIVISION**

#### **S-7-03 Parkdale Heights, Phase 2- American Drive**

The property is located on American Drive, just off US-29, in the Rowan Mills area. It includes 6.491 acres. The property is zoned R-6 (most of it) and R-6A, and is currently the site of 14 single family residential dwellings.

This subdivision was previously approved, but was never recorded. All the proposed lots are fully developed, and are served by City water and sewer. American Drive is a substandard street, without curb and gutter, but all lots meet current zoning and subdivision standards.

Staff's recommendation was to approve the preliminary plat, with the following conditions recommended by TRC:

- (1) The developer shall submit a petition to voluntarily annex the portion of the proposed subdivision which is currently outside the city limits.
- (2) A five (5) foot concrete sidewalk shall be installed on the north side of American Drive, from South Main Street to the end of the development. [NOTE: The development is only on the north side of the street.]

Brian Miller made the motion to approve as submitted, Jerry Wilkes seconded the motion with all members voting AYE.

### **ZONING TEXT AMENDMENT**

Yates Development Company has made a request that there be a zoning text amendment to add the use "banks and other financial institutions, including loan and financial companies" as a permitted use in the LOI Limited Office Institutional zoning district.

The developer doesn't wish to reveal the location for his proposed bank, but he feels it makes more sense to have a zoning text amendment than a rezoning. He feels banks would be compatible in the LOI district, regardless of location.

Lane Yates, 123 N. Main St., owner of Yates Development Co.,- progressive activity where this LOI district is located, wants to build a bank.

Jeff Smith makes sense to have this use added to the LOI district., Sean Reid seconded the motion with all members voting AYE.

**PRESENTATION BY JOHN FLETCHER, OF CONCORD- DEVELOPER OF OAKVIEW COMMONS**

John Fletcher's company, Residential Development LLC out of Concord, is the developer for Oakview Commons, which adjoins Stone Ridge, Sec. 2, which was approved by the Planning Board at the Board's September 23 meeting. Mr. Fletcher is most concerned about the Board's allowing the new subdivision to be built without the connectivity to his subdivision (Oakview Commons) that had been required several months ago.

Mr. Fletcher had written a letter to Dan Mikkelson, in which he asked four questions to ask of staff.

- (1) Do I have to re-submit my plat reflecting the omitted connecting street?
- (2) Do I have to redesign my street ?
- (3) Do I have to pave the connecting street that will never go anywhere ? Assuming that I have to do these things, who pays ? Me, I guess.
- (4) I recently was granted a 2 year extension on construction. What happens in 2 years, assuming that I haven't completed construction, would I request another extension ? Will I be told that I don't comply because of not enough connection stub-outs?

Mr. Fletcher believes that these are serious issues that have to be answered. In lieu of all that has occurred. He is requesting an automatic extension of an additional two years to August 2007. This will give him adequate time to finish construction and not have to be concerned about changes in policy.

Planning Board needs to realize the implications of its decisions where you require one developer to do one thing and then fail to make the same requirement of another developer. There may have been some very good reasons for Planning Board taking the actions that it took in approving Stone Ridge, Sec. 2 without the connectivity to Oakview Commons, but with connectivity to Olde Salisbury, but Mr. Fletcher's questions raise some valid concerns.

Rodney Queen made the motion to send this to a committee and let a committee work with Mr. Fletcher and try to help him with his request, Brian Miller seconded the motion with all members voting AYE.

There being no further business to come before the Board the meeting was adjourned.

---

Chairman

---

Secretary

